

In the Matter Of:

DWAIN EDWARD THOMAS vs

KEVIN STITT

THOMAS BATES

May 31, 2024



1 THOMAS BATES (5/31/2024)

2 THE WITNESS: Kyle, do the
3 reports routinely go to the
4 governor's office?

5 MR. COUNTS: Yes, sir.

6 THE WITNESS: Okay.

7 A. There you go.

8 Q. Okay. The Oklahoma Department
9 of Corrections, as you understand it, what
10 role does DOC play in the parole process?

11 A. Well, DOC doesn't play a role
12 in the parole process. The role that DOC
13 plays is that they compile all the -- you
14 know, a lot of the information about the
15 offender, about their institutional
16 behavior, their -- any programs that
17 they've completed, misconducts, things like
18 that.

19 And then we -- that -- we get
20 that information from what is called an
21 offender management system. That system is
22 transitioning to a new electronic system
23 called icon, but we get that information
24 that is compiled by DOC and provide that to
25 the board members.

29

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So the role that I guess you

could say that DOC plays in the parole

process is they compile a lot of the

information that the board relies on in

making its decision.

They gather that information.

Our investigators take it, put it into a

report form and pass it along to the board.

Q. Okay. So just so I understand,

the investigative report that you mentioned

earlier that the Pardon and Parole Board

reviews, does DOC create that report --

A. No.

Q. -- or provides the

information --

A. No.

Q. -- that goes into the report?

A. Some of the information

categories in that report, our

investigators get that information from the

Department of Correction.

Q. And you said that information

is located in an offender management

system?

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2 given meeting, you're confirming who might
3 come before the board for that meeting?

4 A. Two to three months, yes.

5 Q. And how -- how far in advance
6 are the materials that are given to the PPB
7 members who are voting given to them for
8 each meeting?

9 A. Okay. So the docket is
10 finalized and I would say the reports and
11 materials that the -- the dockets and the
12 reports are given to the board about three
13 weeks out. And then our deadline to submit
14 protests is roughly a week out from the
15 meeting and so all those protests are then
16 -- once they are -- once we receive them,
17 they are uploaded onto the board member's
18 SharePoint site and they can look at any
19 objections, written objections that we have
20 received from -- and support letters,
21 support letters and objections that we have
22 received from -- from anyone.

23 Q. Is the set of materials that
24 the PPB members considers deemed complete
25 once those support or objection letters are

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2 uploaded to the file?

3 A. Yes, but I mean things occur.

4 I mean, we -- we have rules and policies,

5 but we try not to be rigid in the

6 enforcement of those policies, especially

7 when we're dealing with members of the

8 public. People that want to, we -- you

9 know, we accept support letters and

10 objection letters after the deadline and we

11 forward those on to -- to the board

12 members.

13 Q. So even if those letters arrive

14 after the posted deadline, is the set of

15 materials that PPB is reviewing in order to

16 vote complete once those have been added in

17 regardless of when that time is?

18 A. Yes.

19 Q. Okay. And that set of

20 materials includes information that is

21 compiled by PPB and given to the voting

22 members; is that right?

23 A. Yes.

24 Q. And what type of information is

25 included in the materials given to PPB

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2 voting members?

3 A. So again that would include the
4 report prepared by the PPB investigator,
5 any letters or other written materials
6 supporting the offender and any objections
7 to -- is it fair to say we're talking just
8 about parole here?

9 Q. Correct, yes.

10 A. We're talking just about
11 parole?

12 Q. Yes. We can limit this to
13 parole.

14 A. Okay. So any -- so it's the
15 report, any letters supporting the parole,
16 any letters objecting or other written
17 materials objecting to the parole, and
18 those typically -- the letters of objection
19 typically come from victims and district
20 attorneys.

21 Q. Besides the report prepared by
22 the PPB investigator, any letters of
23 support submitted or any letters or written
24 materials with objections, is there
25 anything else that's provided to the PPB

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2 BY MS. McCLURE:

3 Q. Okay. Just when cases are
4 passed, does the PPB voting member ever
5 pass a case or is it a request coming from
6 someone else?

7 A. Sometimes board members can
8 ask, you know, for whatever variety of
9 reasons that a case be passed.

10 Q. PPB has no control over whether
11 an individual is classified as violent or
12 non-violent, right?

13 A. Correct. It's a matter of
14 statute.

15 Q. When PPB sets a docket, as I
16 understand you to have explained it, any
17 given docket or a meeting may include
18 violent and non-violent cases; is that
19 right?

20 A. That's right.

21 Q. In other words, they're not
22 separated such that PPB is hearing all
23 non-violent cases and separately hearing
24 all violent cases?

25 A. Well, cases -- there are -- you

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2 or something by another jurisdiction that
3 says we have a -- there's a case that --
4 out there that they -- that they need to
5 answer to.

6 Q. Okay. So I'd like to walk
7 through, as chronologically as I can, about
8 the process for a violent offender parole?

9 A. Okay.

10 Q. So when a violent offender goes
11 through the parole process in Oklahoma,
12 there's a two-step process for parole; is
13 that right?

14 A. That's right.

15 Q. And the first step is called
16 stage one? Is that a yes?

17 A. Yes.

18 Q. And is that also referred to as
19 jacket review?

20 A. Yes.

21 Q. And in stage one, PPB is
22 reviewing the set of materials that's
23 provided to them and voting on whether or
24 not that person should move to Stage II; is
25 that right?

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A. Correct.

MS. McCLURE: If we could pull up tab three, please, which I'll mark as Plaintiff's Exhibit 4. And for the record, this is Bates stamped 189 to 307, and was produced in this litigation by defendants with the file name PPB Board Member Orientation Finder.

(Plaintiff's Exhibit 4, document entitled "The Process of a Parole," Bates 189 through 307 was marked for identification, as of this date.)

BY MS. McCLURE:

Q. Mr. Bates, do you recognize this document?

A. I do.

Q. So this cover page we're looking at is titled "The Process of a Parole." It says, "Presented by Melinda Romero," dated "April 8, 2022"?

A. Yes.

Q. And Melinda Romero, you

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2 mentioned previously as -- I can't recall
3 her title?

4 A. She's our deputy director.

5 Q. Deputy director of the PPB.

6 And is this -- and you're
7 welcome to scroll through the document. Is
8 this an example of the type of orientation
9 packet that's created for new parole
10 members -- excuse me, new PPB members?

11 A. Yes.

12 Q. Okay. If we could go to Bates
13 stamp 219, which I believe is PDF page 31.
14 So at the bottom of this page where it
15 says, "Stage I," the third sentence says,
16 "During the Stage I Parole Hearing the
17 offender, delegates, the victim, and the
18 district attorney are not allowed to speak
19 to the Board. This is a paper review of
20 the information by the Pardon and Parole
21 Board to determine if the offender should
22 move to Stage II for further
23 consideration."

24 Did I read that correctly?

25 A. Yes.

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2 Q. So Stage I involves strictly
3 review by the PPB voting members of the
4 information they are given on the paper,
5 including the investigator report, letters
6 of support, letters of objection, and the
7 DA narrative?

8 A. Yes.

9 Q. During Stage I for a violent
10 offender, the offender does not come before
11 the board personally?

12 A. Correct.

13 Q. So the only information PPB
14 considers in Stage I is the investigator
15 report, letters of support, and letters of
16 objection?

17 A. Yes.

18 Q. And then in Stage II, the
19 individual is permitted to speak to the
20 board?

21 A. Yes.

22 Q. Is it fair to refer to Stage II
23 as personal appearance?

24 A. Yes.

25 Q. Okay. So if a violent offender

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2 was to move through the parole process in
3 its entirety, they would be recommended to
4 move from stage -- from Stage I to
5 Stage II?

6 A. Yes.

7 Q. And then that recommendation
8 would go to the governor?

9 A. Rephrase that. I mean repeat
10 that.

11 Q. Sure. So initially, if the
12 offender comes before Pardon and Parole
13 Board and they vote to move from Stage I to
14 Stage II, does that recommendation go to
15 the governor?

16 A. No.

17 Q. Okay. So Pardon and Parole
18 Board can recommend a violent offender move
19 from Stage I to Stage II?

20 A. Yes.

21 Q. And at Stage II, if the Pardon
22 and Parole Board is recommending a vote of
23 yes or a vote of yes with conditions or a
24 vote of yes with stipulations, that
25 recommendation is given to the governor?

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2 A. Yes.

3 MS. McCLURE: Okay. You can
4 take this down, please, Josh.

5 Q. So from the beginning of the
6 process, you mentioned that the inmate
7 becomes eligible for parole based on
8 statute, right?

9 A. Right.

10 Q. And the date that any inmate
11 would be eligible to be considered is
12 calculated when they're processed into DOC?

13 A. Yes.

14 Q. When an inmate comes up for
15 their parole consideration date, how is the
16 inmate informed of what that date is?

17 A. I don't know. The -- I mean I
18 would have to -- some of that is going to
19 be a little bit of a function of DOC and
20 the communication with the case manager,
21 but you know, our investigators also reach
22 out to offenders and say you're on the
23 docket, you're on an upcoming document and,
24 you know, here's a questionnaire to fill
25 out and we would -- I would, you know,

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2 given an opportunity to sit with the parole
3 investigator and ask questions about their
4 plans upon release and things like that,
5 programs that they've completed, just a
6 number of all -- account of -- confirm the
7 account of the offense and things like
8 that.

9 Q. So your understanding is DOC
10 communicates with the inmate that they will
11 be up for parole and then a parole
12 investigator who is a PPB investigator will
13 contact the inmate about their upcoming
14 parole consideration date?

15 A. Yes.

16 Q. The parole investigator --
17 parole investigators are PPB employees; is
18 that right?

19 A. Yes.

20 Q. Approximately how many parole
21 investigators does PPB have?

22 A. Twelve.

23 Q. And the parole investigator is
24 responsible for interviewing the inmate in
25 advance of a parole hearing and drafting an

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2 investigative report?

3 A. Yes.

4 Q. Are there any other

5 responsibilities that the PPB investigator

6 has in the parole process?

7 A. The investigators as I -- as I

8 mentioned earlier are also responsible for

9 conducting that initial docketing of folks

10 that come in and then reviewing and

11 confirming eligibility throughout the

12 process.

13 Q. So the parole investigator

14 interviews inmates before the parole

15 hearing, drafts an investigative report for

16 PPB members to review, and conducts the

17 initial docketing of an inmate's

18 consideration, date when they enter DOC as

19 well as reviews and confirms their

20 eligibility for parole?

21 A. Yes.

22 Q. Any other functions of PPB

23 investigators that I've not mentioned?

24 A. I think that -- I think that

25 captures it.